

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

AMERICAN FIRE AND CASUALTY
COMPANY,

Plaintiffs,
-against-

ADOPTION ORDER
15-cv-3111 (ADS)(AKT)

SCOTT ELECTRICAL SERVICES, LLC,
RODNEY SCOTT, JACQUELINE SCOTT
Defendants.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JAN 25 2017 ★

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APPEARANCES:

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Attorneys for the Plaintiffs
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Jericho, NY 11753

LONG ISLAND OFFICE

By: Benjamin Davis Lentz, Esq.
Sean Patrick Kelley, Esq., Of Counsel

NO APPEARANCES:

Scott Electrical Services, LLC, Rodney Scott, Jacqueline Scott
The Defendants

SPATT, District Judge.

On May 29, 2015, the Plaintiff American Fire and Casualty Company (the "Plaintiff") commenced this action against the Defendants Scott Electrical Services, LLC, Rodney Scott, and Jacqueline Scott (collectively, the "Defendants"), seeking damages under an indemnity agreement.

On August 11, 2015, the Clerk of the Court noted the default of the Defendants.

On August 26, 2015, the Plaintiff moved for a default judgment, which motion the Court referred to United States Magistrate A. Kathleen Tomlinson for a recommendation as to whether a default judgment should be granted and if so, whether damages should be awarded.

On February 22, 2016, Judge Tomlinson issued a report (“the 2/2/2016 R&R”) recommending that (1) the Plaintiff’s motion for a default judgment be granted; (2) the Plaintiff be awarded the sum of \$258,128.93; (3) the Plaintiff’s request for attorneys’ fees be denied, without prejudice, and that Plaintiff be granted thirty (30) days to submit billing records that cure deficiencies enumerated in the R&R; and (4) the Plaintiffs be awarded \$602.00 in costs incurred in bringing the motion.

On March 3, 2016, the Plaintiff filed a renewed letter motion for attorneys’ fees.

On March 31, 2016, this Court adopted the 2/2/2016 R&R in its entirety, and referred the Plaintiff’s renewed letter motion for attorneys’ fees to Judge Tomlinson for a report and recommendation as to whether the Plaintiff’s renewed motion cured the deficiencies identified in the 2/2/2016 R&R.

On January 9, 2017, Judge Tomlinson issued a report (“the 1/9/2017 R&R”) recommending that the Plaintiff be awarded attorneys’ fees in the amount of \$28,620.00.

On January 9, 2017, the Plaintiff filed proof of service on the Defendants of a copy of the 1/9/2017 R&R.

It has been more than fourteen days since the service of the R&R, and the parties have not filed objections.

As such, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. *See Coburn v. P.N. Fin.*, No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346, at *1 (E.D.N.Y. Feb. 9, 2015) (reviewing Report and Recommendation without objections for clear error).

For the foregoing reasons, it is hereby:

ORDERED, that Judge Tomlinson's 1/9/2017 R&R is adopted in its entirety, and it is further

ORDERED, that the Plaintiff's renewed motion for attorney's fees is granted and the Plaintiff is awarded \$28,620.00 in attorneys' fees.

The Clerk of the Court is respectfully directed to close the case.

SO ORDERED.

Dated: Central Islip, New York

January 25, 2017

s/ Arthur D. Spatt

ARTHUR D. SPATT
United States District Judge